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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DYESHELLA SINGLETON,

12 Plaintiff,

13 v.

14 MICHAEL ASTRUE, Commissioner of
Social Security,

15 Defendant
16

Case No. C08-5238RJB

REPORT AND
RECOMMENDATION

Noted for December 5, 2008

17 This matter is before the court on plaintiff's failure to file a response to the court's order issued on
18 August 27, 2008. After carefully reviewing the record, the undersigned recommends that the case be
19 dismissed for lack of prosecution.

20 Plaintiff, Dyeshella Singleton, resides in Bremerton, Washington. On or about April 18, 2008,
21 Plaintiff submitted to the Court Clerk a civil complaint along with an application to proceed in forma
22 pauperis. The Complaint names Michael Asture, Commissioner of Social Security Administration as the
23 sole defendant and alleges the Administration failed to properly consider her application for social
24 security benefits.

25 In its order granting her application to proceed *in forma pauperis*, Plaintiff was instructed to
26 provide to the Court Clerk summonses to be served with her complaint. Plaintiff was further advised that
27 it was her responsibility to properly serve copies of the complaint along with the summons as required by
28 Rule 4 of the Federal Rules of Civil Procedure. *See* Doc. 2. On August 27, 2008, noting that no

1 significant pleadings have been filed with the court clerk (ex. a declaration for Proof of Service), the
2 undersigned issued an order, directing Plaintiff to either file proof that a summons and complaint in this
3 matter has been properly served on each of the parties noted above or otherwise show cause why this
4 matter should not be dismissed for lack of prosecution. To date Plaintiff has failed to file any pleadings
5 or otherwise respond to the order to show cause.

6 Based on the court record and the facts described above, the Court should dismiss plaintiff's
7 causes of action without prejudice for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Rule
8 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report
9 to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of
10 those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time
11 limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **December 5, 2008**,
12 as noted in the caption.

13 DATED this 14th day of November, 2008.

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15 /s/ J. Kelley Arnold
16 J. Kelley Arnold
17 United States Magistrate Judge
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